FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL WRIT PETITION NO. 247 OF 2006

Vivekanand Purushottam Vyas .....Petitioner.
V/s
1. State of Maharashtra & Ors. ....Respondents.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrars orders.	Court's or Judge's orders.

None for the petitioner.
Mr. U.V. Nikam, APP for the State.

CORAM: V.M. KANADE, J.
DATE : 01-08-2006

P.C.:

1. None appears for the petitioner.

2. Petitioner is challenging the order passed by the learned Additional Chief Metropolitan Magistrate, rejecting the petitioner's application for initiating proceedings under section 145 of the Criminal Procedure Code for restoration of possession of the

land allegedly owned by him. Against the said order, Revision Application was filed in Sessions Court. The Sessions Court confirmed the order which was passed by the Additional Chief Metropolitan Magistrate, 24th Court, Borivali, Mumbai.

3. Petitioner is challenging the aforesaid two orders. I have perused the orders passed by the Lower Courts. In my view, there is no infirmity or illegality committed by the lower Courts. Both the lower Courts have held that essentially the said dispute is of civil nature and, therefore, have refused to issue preliminary order under section 145 of the Criminal Procedure Code. Petitioner has an alternative remedy and can file a suit in the appropriate Court.

4. Writ Petition is accordingly dismissed.

(V.M. KANADE, J.)